



Commissioner John O’Grady • Commissioner Paula Brooks • Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

Franklin County Board of Zoning Appeals

Franklin County Courthouse
Commissioner’s Hearing Room – 26th Floor
Columbus, OH 43215

Monday, December 19, 2016
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Swearing in of witnesses
4. Approval of minutes from the October 17, 2016 meetings
5. New Business:

i. VA-3866 – Brad Fisher

Owner/Applicant:	Eric Woodruff
Township:	Brown Township
Site:	6701 Roberts Rd. (120-000480)
Acreage:	1.68-acres
Zoning:	Rural District
Utilities:	Private water and waste water
Request:	Requesting a Variance from Sections 650.162(a) and 650.162(g) of the Franklin County Zoning Resolution to allow the construction of an accessory building and installation of a gravel parking area within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

ii. VA-3867– Brad Fisher

Owner/Applicant:	Michael Nance
Township:	Hamilton Township
Site:	3584 Champion Ave. (150-000333)
Acreage:	0.48-acres
Zoning:	Rural District
Utilities:	Public water and wastewater
Request:	Requesting a Variance from section 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of an accessory building that exceeds the accessory building size limitations in an area zoned Rural.

iii. VA/CU-3869– Brad Fisher

Owner/Applicant:	Jerry A. Schmittauer
Agent:	Laura MacGregor Comek, Esq.
Township:	Clinton Township
Site:	6445 South High St. (150-000396)
Acreage:	12.254-acres
Zoning:	Rural and Community Service (CS) District
Utilities:	Public water and Private wastewater
Request:	Requesting a Variance and Conditional Use from Section 332.034 of the Franklin County Zoning Resolution to allow for the outdoor display of landscaping materials in an area to be zoned Community Service that is within 25 feet of a residential zoning district.

iv. VA/CU-3870– Brad Fisher

Owner/Applicant:	Al R. Mosque
Agent:	Dan Heckman
Township:	Clinton Township
Site:	2130 Mecca Rd. (130-004347)
Acreage:	0.25-acres
Zoning:	Suburban Office and Institutional District (SO)
Utilities:	Public water and wastewater
Request:	Requesting a Conditional Use from Section 322.032 and a Variance from Sections 504.011, 531.013 and 531.021 to allow for the development of a funeral parlor that will not meet the required setback, the location of a parking facility and the schedule of parking spaces in an area zoned Suburban Office.

6. Adjournment of Meeting to January 17, 2017



Commissioner John O'Grady • **Commissioner** Paula Brooks • **Commissioner** Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, October 17, 2016

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, October 17, 2016.

Present were:

Christopher Baer, Vice Chairperson
Tim Guyton
Nancy Hunter
Paula Armentrout

Franklin County Development Department members,
Matt Brown, Planning Administrator
Brad Fisher, Planner

Mr. Baer opened the meeting. Mr. Lee Brown swore in all witnesses

The first order of business being approval of the meeting minutes of the September 19, 2016, meeting.

Mr. Guyton made a motion to approve the minutes from the September 19, 2016, meeting. It was seconded by Ms. Hunter. The minutes were approved by a four-to-zero vote.

OLD BUSINESS:

The next order of business being Variance Case VA-3859. The owners and applicants are Matthew and Ashley Barnhart. The request is a variance from Sections 306.042 and 513.012(2(b)) of the Franklin County Zoning Resolution to allow the construction of an above ground swimming pool that would not be located completely to the rear of the primary structure and a deck and home addition that will exceed the allowable 20 percent lot coverage in an area zoned Limited Suburban Residential (R-2). Mr. Baer made a motion to bring Variance Case VA-3859 off the table. It was seconded by Mr. Guyton. The motion was approved by a four-to-zero vote. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Variance case VA-3859. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

The next order of business being Variance Case VA-3862. The owners are William and Loretta McQuirt. The agent and applicant is Barry Waller. The request is a variance from Sections 502.021(2), 504.012 and 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of a porch, parking area and accessory building that fail to meet setback and accessory building size requirements in an area zoned Rural. Mr. Guyton made a motion to bring Variance Case VA-3862 off the table. It was

seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to conditionally approve a variance from the Franklin County Zoning Resolution Section 512.021(2) for Variance Case VA-3862 with respect to the accessory building size permitted on the property. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote. Mr. Guyton made a motion to approve a variance from the Franklin County Zoning Resolution Section 512.021(2) for Variance Case VA-3862 with respect to the front porch. It was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote.

Mr. Guyton made a motion to approve a variance from the Franklin County Zoning Resolution Section 504.012 for Variance Case VA-3862 with respect to the parking setback. It was seconded by Mr. Baer. The motion failed by a four-to-zero vote. Mr. Guyton made a motion to adopt findings of fact that the reason for denying a variance from Section 504.012 results from the applicant's failure to satisfy the criteria for granting a variance under Section 810.041. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

NEW BUSINESS:

The next order of business being Variance Case VA-3863. The owner and applicants are Dan and Karen Yeater. The request is a variance from Section 302.044 of the Franklin County Zoning Resolution to allow for the construction of an attached garage that will not meet the rear yard requirement in an area zoned Rural. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Variance Case VA-3863. It was seconded by Mr. Guyton. The motion was approved by a four-to-zero vote.

There being no further business coming before the Franklin County Board of Zoning Appeals, Ms. Armentrout made a motion to adjourn the meeting. It was seconded by Mr. Baer.

And, thereupon, the meeting was adjourned at 3:44 p.m.

Minutes of the October 17, 2016, Franklin County Board of Zoning Appeals hearing were approved this 19th day of December, 2016.

Signature



Commissioner John O’Grady • Commissioner Paula Brooks • Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
December 19, 2016

Case VA-3866

Prepared by: Brad Fisher

Applicant/Owner:	Eric Woodruff
Township:	Brown Township
Site:	6701 Roberts Road (PID #120-000480)
Acreage:	1.68-acres
Zoning:	Rural
Utilities:	Private water and wastewater
Request:	Requesting a Variance from Sections 650.162(a) and 650.162(g) of the Franklin County Zoning Resolution to allow for the construction of an accessory building and installation of a gravel parking area within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

Summary

The applicant is requesting a Variance from Sections 650.162(a) and 650.162(g) of the Franklin County Zoning Resolution to allow for the construction of an accessory building and installation of a gravel parking area within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural. Staff recommends approval with conditions.

Description of the Request

The applicant’s property is located on the south side of Roberts Road, east of Walker Road and west of Alton Darby Creek Road in Brown Township. The site contains a 1,497 square-foot single-family residence that was built in 1967. The applicant is proposing to construct a 22 foot by 26 foot (572 square-foot) accessory building and a 531 square foot gravel parking area to the south of the single-family residence. The entire property is located in the Big Darby Creek Watershed Riparian Setback and regulatory floodplain.

The applicant applied for a National Flood Insurance Program (NFIP) Permit for the construction of a 572 square foot accessory building and has received approval from the Franklin County Economic Development and Planning Department based on meeting all floodplain development standards.

Surrounding Area

The area surrounding the applicant's property is located within the Rural Zoning District. The area features agricultural land to the north, west and south, with single-family homes to the east. Hamilton Run borders the subject site to the west.

Comprehensive Plan

The Brown Township Comprehensive Plan, adopted in 2005, recommends Low Density Rural Residential land uses for this area. The Plan also designates this area as a second tier conservation zone recognizing that hydric soils exist on the site.

The Big Darby Accord Watershed Master Plan, adopted in 2006, includes two maps to guide development: a Proposed General Land Use Map and a Conservation Strategy Map. These maps show the subject site in an Environmental Conservation Zone, Tier 1. Tier 1 areas have important hydro-geologic considerations and may include: floodplains, wetlands, in-stream sensitive habitat areas, critical groundwater recharge and pollution potential.

The applicant's request keeps with the Brown Township Comprehensive Plan. The request does not keep with the recommendations of Big Darby Accord Watershed Master Plan, however, the applicant would be subject to mitigation of the affected area based on recommendations from the Franklin Soil and Water Conservation District.

Staff Review

Variance from Section 650.162(a) – Construction:

- Construction of buildings or structures of any kind or size are prohibited.
 - The applicant is requesting to construct a 22 foot by 26 foot (572 square-feet) accessory building.

Variance from Section 650.162(g) – Parking Spaces:

- The establishment of parking spaces is prohibited.
 - The applicant is requesting to construct a 531 square foot gravel parking area.

Technical Review Committee Agency Review

Franklin Soil and Water Conservation District (FSWCD)

The FSWCD is currently working with the applicant on mitigation options that will be consistent with the Ohio Environmental Protection Agency (OEPA) general construction permit. The applicant will be required to mitigate the 1,103 square feet of new impervious surfaces associated with the proposed building and parking area.

Franklin County Drainage Engineer's Office (FCDEO)

The FCDEO has requested a maintenance easement along Hamilton Run that would measure 30 feet from the top of the bank.

Franklin County Engineer's Office

Indicated no concerns with the proposed development.

Staff Analysis

Section 650.20(a) – Variances Within Riparian Setbacks:

- The Franklin County Board of Zoning Appeals may grant a variance to Section 650 provided the following conditions are satisfied.
 - 1) *In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.*

- » The property is currently used for residential purposes and the entire property is located within the riparian setback and therefore there is a practical difficulty in developing the property as otherwise permitted by the zoning resolution.
- 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
 - » Accessory buildings and parking areas are permitted in the underlying Rural Zoning District.
- 3) *Variances are void if not implemented within one (1) year of the date of issuance.*
 - » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one (1) year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one (1) year of its issuance, meaning there has not been active and substantial improvement to a property in accordance with a valid variance, then the variance shall expire and no work may commence without either renewing the variance or receiving a new variance approval from the Board of Zoning Appeals.

Section 650.20(b) – Variances Within Riparian Setbacks:

- In making a determination under Section 650.20(a), the Board must consider the following, in addition to the findings required in Section 810.041 of the Franklin County Zoning Resolution.
- 1) *The native vegetation of the property.*
 - » The proposed construction will be located on a maintained yard. The proposal does not require the removal of any native vegetation.
- 2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
 - » Working with the Franklin Soil and Water Conservation District, the applicant must mitigate any impacts of the proposed development to maintain the integrity and functionality of the riparian setback.
- 3) *Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices (BMPs) necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.*
 - » The applicant will be required to consult with the Franklin Soil & Water Conservation District to minimize erosion and control sediment.
- 4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
 - » The applicant must mitigate all proposed impervious area from the development.

Section 810.041 – Approval of Variance:

- 1) *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same Zoning District.*
 - » The applicant indicated that the entire property is located within the Riparian Setback, not allowing for any construction to occur.
 - » Staff agrees that the entire property is located within the Riparian Setback, not allowing the property to be developed as neighboring properties have, including accessory buildings and parking areas.
- 2) *That a literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution.*
 - » The applicant indicated that a literal interpretation of the riparian setback standards would deprive the applicant rights enjoyed by others in the area.
 - » Staff agrees that a literal interpretation of the Zoning Resolution would deprive the applicant of the common right to construct an accessory structure and parking area that meet zoning requirements.

- 3) *That the special conditions and circumstances do not result from the action of the applicant.*
 - » The adoption of Riparian Setback Standards was not the result of any action by the applicant.
 - » Based on staff review, the application of the Riparian Setback Standards to the applicant's entire property is not a result of any actions of the applicant.
- 4) *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District.*
 - » The applicant indicated that other properties in the area not subject to the riparian setback are permitted the same development as proposed.
 - » Staff believes that granting the Riparian Setback Variance request will not confer special privilege to the applicant as other properties, wholly contained in the riparian setback, have been granted Variances to the standards provided they mitigate the affected area.
- 5) *That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*
 - » The applicant does not believe that the variances will have any adverse impacts.
 - » Staff believes that by complying with mitigation requirements, the proposed Riparian Setback Variance will not cause any adverse impacts.

Recommendation

Staff recommends approval with conditions of a Variance from Sections 650.162(a) and 650.162(g) of the Franklin County Zoning Resolution to allow the construction of an accessory building and gravel parking area in the Big Darby Creek Watershed Riparian Setback with the following conditions:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance for the proposed accessory building and gravel parking area from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive approval of a Building Permit for the proposed accessory building from the Franklin County Economic Development and Planning Department.
3. The applicant must submit information with the Certificate of Zoning Compliance application demonstrating mitigation in compliance with the Ohio EPA general permit, the proposed method of mitigation is to be reviewed and approved by the Franklin Soil and Water Conservation District and Franklin County Economic Development and Planning Department.

Resolution

For your convenience, the following is a proposed resolution for the Variance request from Sections 650.162(a) and 650.162(g):

Proposed Resolution for Request from 650.162(a) and 650.162(g):

_____ moves to approve a Variance from Section 650.162(a) and 162.162(g) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3866.

Seconded by: _____

Findings of Fact

For your convenience, the following are proposed findings of fact:

If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant's request for a Variance from Section 650.20(a) and 650.162(g) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3866 results from the applicant's failure to satisfy the criteria for granting a variance under Sections 650.20(a), 650.20(b) and 810.041.

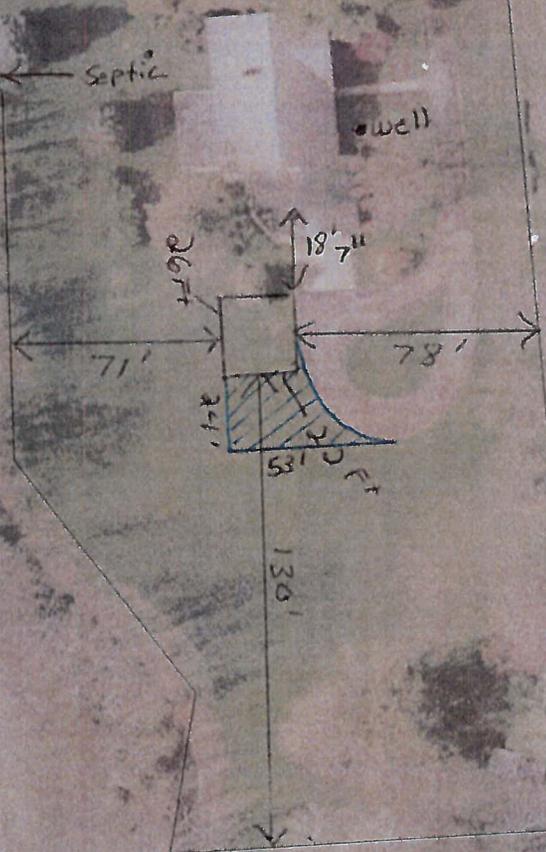
Seconded by: _____

BF

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 Franklin County Planning Department
 Franklin County, OH

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 OCT 21 2016
 Franklin County Planning Department
 Franklin County, OH

VA-3866



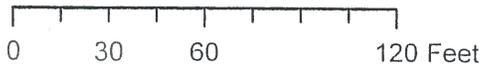

 Gravel Pad

~~**DENIED**~~
 RZ-16-2406
 10/1/16
 E. [Signature]

BF



1 inch = 60 feet



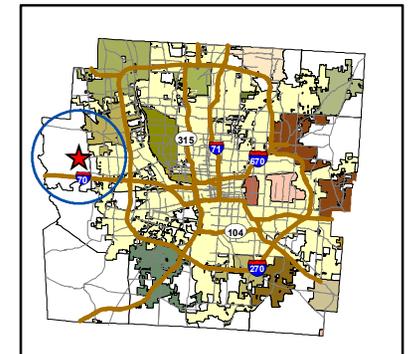


VA-3866

Requesting a Variance from Sections 650.162(a) and 650.162(g) of the Franklin County Zoning Resolution to allow the construction of an accessory building and installation of a gravel parking area within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

Acres: 1.68
Township: Brown

-  6701 Roberts Road
-  Parcels
-  Streets
-  Big Darby Creek Setbacks
-  Floodway Fringe
-  Floodway



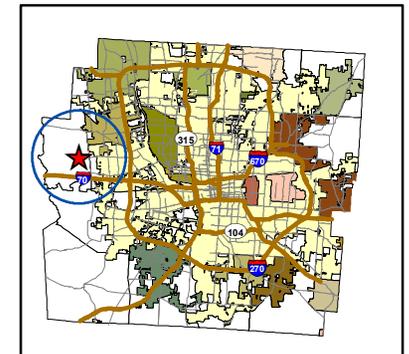


VA-3866

Requesting a Variance from Sections 650.162(a) and 650.162(g) of the Franklin County Zoning Resolution to allow the construction of an accessory building and installation of a gravel parking area within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

Acres: 1.68
Township: Brown

-  6701 Roberts Road
-  Parcels
-  Streets
-  Big Darby Creek Setbacks
-  Floodway Fringe
-  Floodway



TO: BOARD OF LAKE DARBY ACCORD

FROM: TIM WOODRUFF

LAND OWNER WITHIN 300
YARDS OF PROPERTY AT 6701
ROBERTS RD - HILLIARD OHIO -
FRANKLIN COUNTY - BROWN TOWNSHIP

I HAVE NO PROBLEM WITH MY
NEIGHBOR AT 6701 ROBERTS RD
SEEKING A VARIANCE TO CONSTRUCT
A BARN FOR THE PURPOSE OF
STORING PERSONAL EQUIPMENT
AND VEHICLES. I BELIEVE IT
WOULD ENHANCE THE NEIGHBORHOOD
TO HAVE THESE KINDS OF ITEMS
STORED OUT OF SIGHT RATHER
THAN CREATING AN EYESORE OR
BLIGHT IN THE COMMUNITY.

Tim Woodruff
DEC 10, 2016
RESIDENCE AT
6665 ROBERTS RD

December 11, 2016

To who it may concern,

My wife and I own and live at 6651 Roberts Road which is the second property to the east of Eric Woodruff's property. We have no objections to the construction of an accessory building and parking area on Eric's property. He wants to protect the equipment that he owns and improve his property.

Sincerely,

Tom Ferguson and Betty Blau

Tom Ferguson
Betty Blau

Dec. 6, 2016

To Whom It May Concern,

We, John and Beverly
Crumley have no objections
to Eric Woodruff, 6701 Roberts
Road, Hilliard, Ohio 43026
construsting a building on his
property.

Sincerely,

John & Beverly
Crumley

December 10, 2016

Reg: Construction on property owned by Eric Woodruff

To whom it may concern,

It has come to my attention that our neighbor, Eric Woodruff, has the intent to construct a storage building on his property located at 6701 Roberts Road, Hilliard, Franklin County, Ohio 43026. As the owner of 130 acres at 6751 Roberts Road, to the west and adjacent to the property owned by Eric Woodruff, I have no objection to the construction of the storage building on his property. Eric Woodruff and his family, have been neighbors in good standing for over forty years. The Woodruff family have demonstrated over those many years to be very good stewards of the Brown township property, its rural and natural resources. The construction of the storage building is expected to have no negative impact to the Brown Township community.

Sincerely,



Richard L. Zwayer Sr.
7790 Morris Road
Hilliard, Ohio 43026

cc: Eric Woodruff
Richard L Zwayer II



Commissioner John O’Grady • Commissioner Paula Brooks • Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
December 19, 2016

Case VA-3867

Prepared by: Brad Fisher

Applicant/Owner:	Michael Nance
Township:	Hamilton Township
Site:	3584 S. Champion Ave (PID #150-000333)
Acreage:	0.48-acres
Zoning:	Rural
Utilities:	Private water and wastewater
Request:	Requesting a Variance from section 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of an accessory building that exceeds the accessory building size limitations in an area zoned Rural.

Summary

The applicant is requesting a Variance to legitimize the construction of an accessory building that exceeds the accessory building size limitations. The request does not satisfy the criteria necessary for granting a variance. Staff recommends *denial*.

Description of the Request

The subject site is located on the east side of S. Champion Avenue, just north of Maplewood Road and south of Williams Road. The property contains an 846 square foot home built in 1942, a 220 square foot shed and a 1,080 square foot accessory building.

The 1,080 square foot accessory building was constructed without obtaining Building Permits or a Certificate of Zoning Compliance sometime after November 2015. With the existing 220 square foot shed and the proposed 1,080 square foot accessory building, the property would be 580 square feet over the allowed 720 square feet maximum accessory building size for a property less than one (1) acre in size.

Surrounding Area

The surrounding area is medium-density residential in character with single-family homes and zoned Rural.

Comprehensive Plan

The site is located within Hamilton Township, however, the site not included in the Obetz-Hamilton Community Plan.

The site is located in the planning area of Columbus's Scioto Southland Area Plan. This Plan was adopted in 2007 and recommends the site for single-family residential uses. The requested variance does not keep with this plan as the development may change the character of the area.

Staff Review

Variance from Section 512.02(2) – Size of Residential Accessory Buildings

- For lots that are under one acre in size, the total square footage of all accessory structures shall be no more than 720 square feet in size.
 - The proposed accessory structure is 1,080 square feet in size and the existing shed is 220 square feet in size, totaling 1,300 square feet.
 - The proposal will exceed the maximum allowable accessory building size by 580 square feet.

Technical Review Committee Agency Review

Expressed no concerns.

Staff Analysis – Section 810.41:

The Franklin County Zoning Resolution identifies five criteria in Section 810.041 that must be satisfied to approve a variance request:

- 1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
 - » The applicant indicated there are no special conditions that exist on this property.
 - » Staff agrees that no special condition exists.
- 2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
 - » The applicant indicated that there are multiple properties on South Champion Avenue that do not comply with accessory building size requirements.
 - » Staff agrees that there are multiple properties on South Champion Avenue that do not comply with accessory building size requirements, however, these structures are non-conforming as they were built between 1942 and 1990, prior to building size restrictions being adopted by the Franklin County Zoning Resolution in 1996.
- 3) *The special conditions and circumstances do not result from the action of the applicant;*
 - » Staff notes that no special conditions or circumstances exist.
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
 - » The applicant stated that other properties along South Champion Avenue have constructed oversized accessory buildings.
 - » Staff believes that the applicant would receive special privilege if the variance were approved, as this could set a precedence for future development in the area not meeting development standards.

- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity;*
- » Staff believes that the proposed accessory building would not adversely impact the health or safety of residents. However, the variance could set a precedent for oversized accessory buildings that could change the character of the area and be detrimental to public welfare.

Recommendation

Staff's recommendation is that the BZA deny a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of an accessory building that exceeds the accessory building size limitations in an area zoned Rural.

Resolution

For your convenience, the following is a proposed resolution:

(a) **Proposed Resolution for Request:**

_____ moves to approve a Variance from Section 512.02(2) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3867.

Seconded by: _____

Voting:

Findings of Fact

For your convenience, the following are proposed findings of fact:

If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant's request for the Variance from Section 512.02(2) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3867 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:

RECEIVED
OCT 27 2016
Franklin County Planning Department
Franklin County, OH

VA-3867

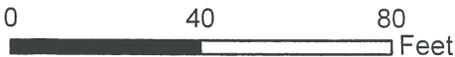
BF
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OCT 12 2016
Franklin County Planning Department
Franklin County, Ohio

BF
DENIED
RZ-16-2407
10/29/16
~~ES~~



Columbus GIS

1" = 40'



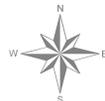
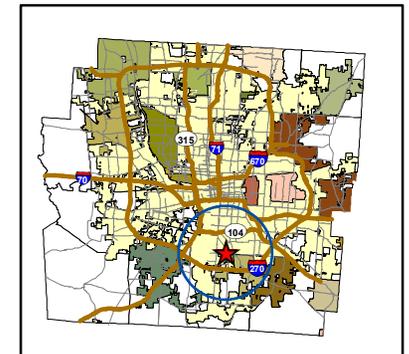


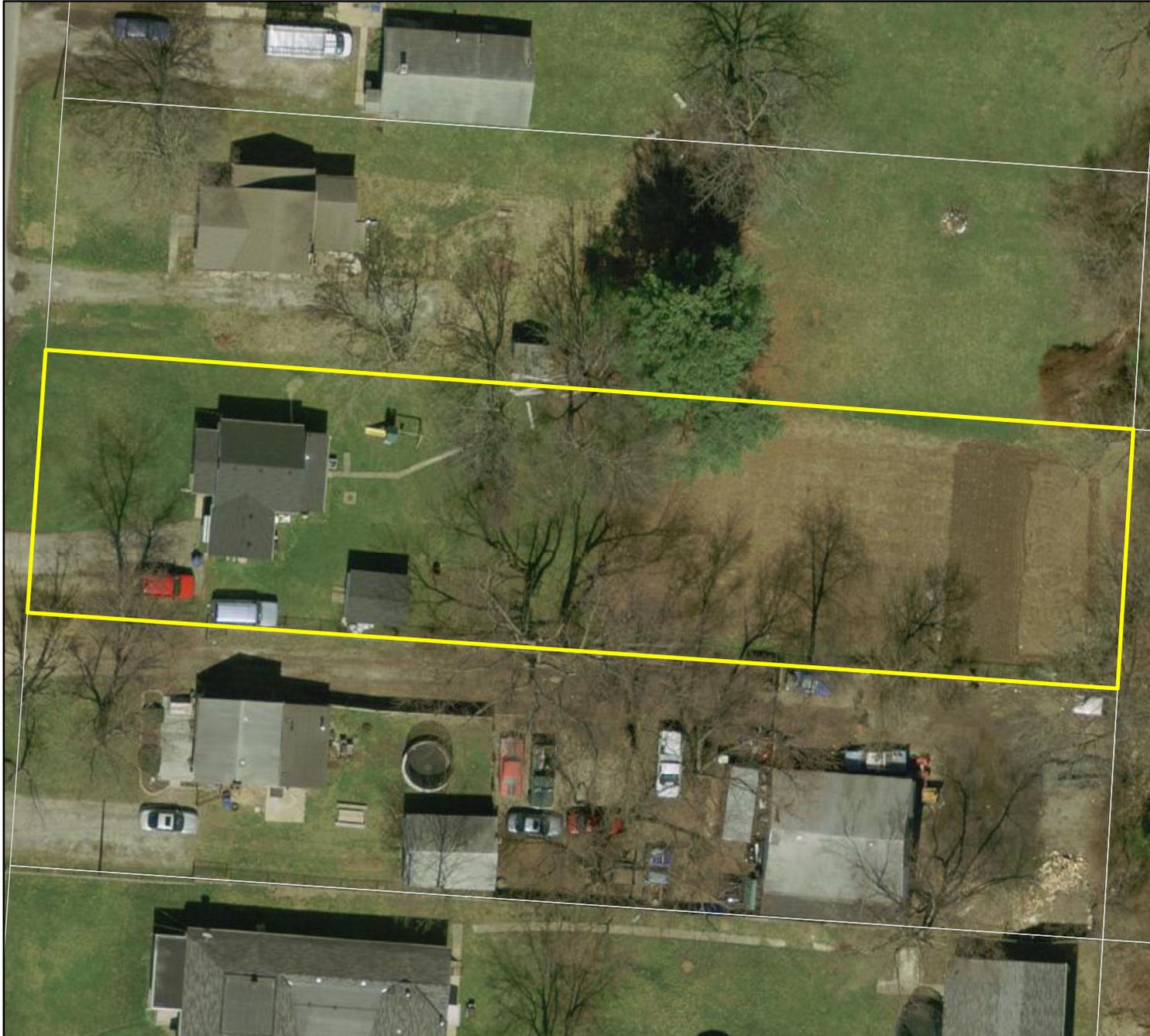
VA-3867

Requesting a Variance from section 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of an accessory building that exceeds the accessory building size limitations in an area zoned Rural.

Acres: 0.48
Township: Hamilton

-  3584 Champion Ave.
-  Parcels
-  Streets



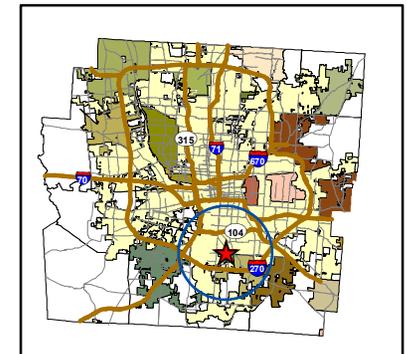


VA-3867

Requesting a Variance from section 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of an accessory building that exceeds the accessory building size limitations in an area zoned Rural.

Acres: 0.48
Township: Hamilton

-  3584 Champion Ave.
-  Parcels
-  Streets



LAURA M. COMEK LAW LLC

December 12, 2016

Via email (mybrown@franklincountyohio.gov)

Matt Brown
Planning Administrator
Franklin County
Economic Development & Planning Department
Lazarus Building
150 South Front Street, FSL Suite 10
Columbus, Ohio 43215-7104

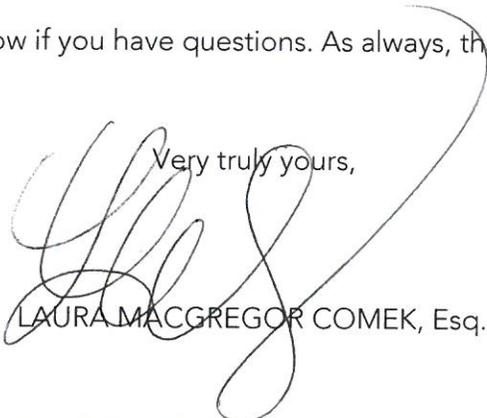
Re: ZON-16-05 and VA/CU-3869

Dear Matt:

Please allow this correspondence to serve as a follow up to our exchange of emails regarding the above captioned case, and a formal request to have the pending zoning and board of zoning adjustment cases withdrawn from the County docket. As I mentioned in email, my client does not wish to proceed in either regard. I apologize for the timing of this request, and any inconvenience with regard to your schedules.

Please let me know if you have questions. As always, thanks to you and Brad for the assistance.

Very truly yours,



LAURA MACGREGOR COMEK, Esq.

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Commissioner John O’Grady • Commissioner Paula Brooks • Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
December 19, 2016

Case VA/CU-3870

Prepared by: Brad Fisher

Applicant/Owner:	Al R. Mosque
Agent:	Dan Heckman
Township:	Clinton Township
Site:	2130 Mecca Rd. (PID #130-004347)
Acreage:	0.25-acres
Zoning:	Suburban Office (SO) District
Utilities:	Public water and wastewater
Request:	Requesting a Conditional Use from Section 322.032 and a Variance from Sections 504.011, 531.013 and 531.021 to allow for the development of a funeral service that will not meet the required building line setback, location of a parking facility and the schedule of parking spaces in an area zoned Suburban Office (SO).

Summary

The applicant is requesting a Conditional Use from Section 322.032 of the Franklin County Zoning Resolution to allow for the development of a funeral service in an area zoned Suburban Office (SO). The applicant is also requesting a Variance from Sections 504.011, 531.013 and 531.021 of the Franklin County Zoning Resolution to allow for the operation of a funeral service that will not meet the required building line setback, location of a parking facility and the schedule of parking spaces.

Staff recommends **denial** of a Conditional Use from Section 322.032 and a Variance from Sections 504.011, 531.013 and 531.021.

Description of the Request

The applicant’s property is located on the north side of Mecca Road, east of Westerville Road in Clinton Township. The property has been vacant since approximately 2010 and is situated on an unimproved roadway that terminates immediately east of the property. The affiliated Al Rahma Mosque is located to the north of the site, separated by two undeveloped parcels.

The applicant is requesting to allow for the development of a funeral service that does not meet the development standards of the Franklin County Zoning Resolution in an area zoned Suburban Office (SO). The applicant stated the funeral service would only be available to active members of the Mosque and would utilize parking spaces provided by the Rhema Christian Center property to the west. Staff notes that no cross-access easement has been provided at this time that would indicate the legal use of the adjacent parking facility.

Surrounding Area

The surrounding area is a mix of land uses and zoning districts in both Clinton Township and the city of Columbus. Land uses include single-family, multi-family, commercial, industrial and religious uses.

Comprehensive Plan

The Clinton-Mifflin Land Use Plan, adopted in January 2009, recommends this property for office and residential uses. Corresponding zoning districts include the Suburban Office and Institutional (SO), Restricted Urban Residential (R-8), Urban Residential (R-12) and Suburban Apartment Residential (R-24) Districts.

The request keeps with the future land use recommendation of the Plan.

Staff Review

Conditional Use from Section 322.032 – Funeral Service:

- A funeral service under the US Department of Labor’s Standard Industrial Classification (SIC) Code 726 is a conditional use in the Suburban Office (SO) zoning district.
 - The applicant must apply for a Conditional Use to allow for the development of a funeral service in an area zoned Suburban Office (SO) and provide a site plan showing building layout, parking and access.
 - The applicant has not supplied staff with an accurate scaled site plan.

Variance from Section 504.011 – Required Setback:

- A structure or other use of land, except parking, shall locate no closer to a street right-of-way than the established building line.
 - The front building line from Mecca Road is 50 feet from the street centerline. The proposed front building setback is approximately 38 feet from the centerline.
 - A variance is required to reduce the building line setback by 12 feet.

Variance from Section 531.013 – Location of Parking Spaces:

- Required off-street parking facilities shall be located on the same lot as the structure or use served.
 - All of the proposed parking would be located on an adjacent property.

Variance from Section 531.021 – Schedule of Parking Spaces:

- A Funeral service is required to have 1 parking space for each 150 square feet of gross floor area.
 - The proposed funeral service is required to provide 21 parking spaces and zero (0) have been provided.

Technical Review Committee Agency Review

Franklin County Engineer’s Office

Expressed no concerns regarding the proposed development.

Franklin Soil and Water Conservation District

Indicated that storm water requirements will need to be met and recommends pervious paving where available.

Clinton Township

Requested an easement over the tile on the west side of the parcel and that storm water management be addressed.

Staff Analysis

Section 810.041 – Approval of Variance:

The Board of Zoning Appeals shall only approve a variance if all of the following findings are made:

- 1) *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same Zoning District.*
 - » The applicant stated that the small lot, without the opportunity to purchase the vacant parcels to the north, does not allow for all development standards to be met.
 - » Staff notes that the lot size does not serve as a special condition as other permitted uses could potentially develop on this site and meet development standards under the existing zoning district.
- 2) *That a literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution.*
 - » The applicant indicated that the initial intent was to purchase additional properties to the north, which would allow for all development standards to be met. The option to purchase these properties is no longer available.
 - » Staff does not believe that a literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties because development can occur on this site that could meet development standards under the existing zoning district.
- 3) *That the special conditions and circumstances do not result from the action of the applicant.*
 - » Staff does not believe the size of the subject site is a result from actions by the applicant.
- 4) *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District.*
 - » The applicant stated that if the option to purchase the vacant land to the north were still available, no variances would be required.
 - » Staff believes that special privilege would be granted to the applicant because no special circumstance exists.
- 5) *That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*
 - » The applicant indicated that the proposed development would enhance the area by creating a manicured and landscaped area that does not exist now.
 - » Staff is unable to make a determination if the community would be adversely affected based on the site plan and project description provided by the applicant.

Staff Analysis

Section 815.041 – Approval of Conditional Use

The Board of Zoning Appeals shall approve an application for a Conditional Use if the following three (3) conditions are met:

- 1) *The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;*
 - » The proposed use is a permitted Conditional Use in an area zoned Suburban Office (SO), however, applicable development standards have not been met.
- 2) *The proposed development is in accordance with applicable plans or policies for the area;*
 - » The proposed development is in accordance with the Clinton-Mifflin Land Use Plan.
- 3) *The proposed use will be in keeping with the existing land use character of the area.*
 - » The applicant indicated that the proposed use will enhance the area and eliminate a vacant parcel.
 - » Staff agrees that the proposed use may improve a vacant parcel, however, the development would not keep with the existing land use character which primarily consists of single and multi-family residential uses.

Recommendation

Staff’s recommendation is that the BZA *deny* a Conditional Use from Section 322.032 and a Variance from Sections 504.011, 531.013 and 531.021 of the Franklin County Zoning Resolution to all the development of a commercial site that will fail to meet the following requirements: required building line setback, location of parking spaces, schedule of parking spaces and conditional use in an area zoned Suburban Office (SO). The reason for recommending denial of the variance request is that the applicant failed to satisfy the criteria for granting a variance under Section 810.041. The reason for recommending denial of the conditional use request is that the applicant failed to satisfy the criteria for granting a conditional use under Section 815.041.

Resolution

For your convenience, the following are proposed resolutions for the request:

Proposed Resolution for Variance Requests:

- (a) _____ moves to approve a Variance from Sections 504.011, 531.013 and 531.021 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA/CU-3870.

Seconded by: _____

Voting:

- (b) If the resolution for the Variance request fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant’s request for the variances as outlined in the request above for Case No. VA/CU-3870 results from the applicant’s failure to satisfy the criteria for granting a variance under Section 810.041 of the Franklin County Zoning Resolution as detailed in staff’s analysis.

Seconded by: _____

Voting:

Proposed Resolution for Conditional Use Request:

- (a) _____ moves to approve a Conditional Use from Section 322.032 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA/CU-3870.

Seconded by: _____

Voting:

- (b) If the resolution for the Conditional Use request fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant's request for the conditional use as outlined in the request above for Case No. VA/CU-3870 results from the applicant's failure to satisfy the criteria for granting a conditional use under Section 815.041.

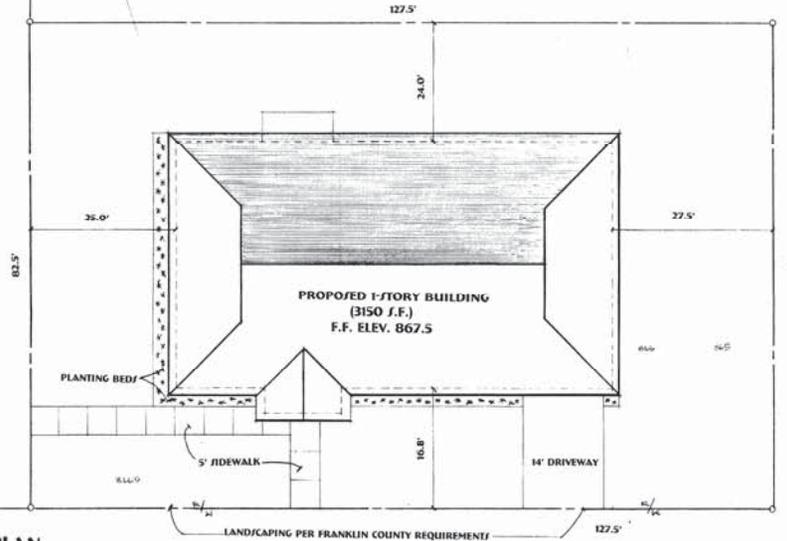
Seconded by: _____

Voting:

APPLICANT: AL R MOSQUE
 2205 ALBERT AVE.
 COLUMBUS, OH 43224
ARCHITECT: ANDREW J DELZOPPO
 10067 GRANDEN ST NW
 PICKERINGTON, OH 43147
ADDRESS: 2130 MECCA RD.
 COLUMBUS, OH 43224
LEGAL: PARKWOOD AVE. NORTHERN WAY LOT 30-31
EXISTING ZONING: SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT
PRIOR USE: RESIDENTIAL
NEW USE: 726 - FUNERAL PARLOR
LOT SIZE: 82.8' X 127.5' (NO MIN. LOT SIZE REQUIRED)
TOTAL S.F.: 10,557 S.F.
BUILDING SIZE: 3150 S.F.
BUILDING HEIGHT: 21' (MAX ALLOWABLE: 38')
WALKWAY/DRIVEWAY: 540 S.F.
TOTAL IMPERVIOUS: 3690 S.F.
PERCENTAGE OF LOT COVERAGE: 35%
PERCENTAGE OF PERVIOUS AREA: 65%
TOTAL S.F. GREEN SPACE: 6947 S.F.
MIN. SIDE YARD SETBACK: 15'
PROPOSED SIDE YARD SETBACK: 25'
MIN. REAR YARD SETBACK: 15'
PROPOSED REAR YARD SETBACK: 20'
FRONT YARD GREENBELT: 15'
PROPOSED FRONT YARD GREENBELT: 20'
PARKING REQUIREMENT: 1/50 S.F. GROSS FLOOR AREA
 3150/150 = 21 CARS REQUIRED
PARKING PROVIDED: 31 SPACES PLUS 2 H.C.
TOTAL 33 SPACES
 (USE OF ADJACENT LOT IF AN AGREEMENT
 BETWEEN OWNER AND APPLICANT)



EXISTING PARKING LOT
 31 PARKING SPACES /
 2 H.C. - TOTAL 33
 HAVE AGREEMENT W/
 OWNER AND APPLICANT
 FOR USE DURING SERVICES

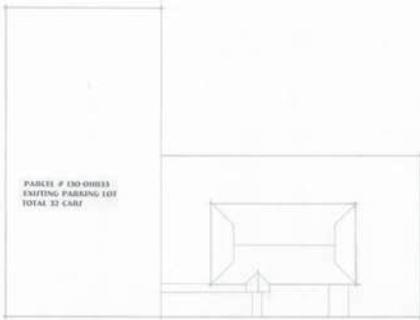


MECCA RD.
 (50' R/W)

PROPOSED SITE PLAN FOR:
AL R. MOSQUE
 2130 MECCA RD. COLUMBUS, OH 43224

Andrew J. Delzoppo Sr.
 Architect, Ltd.
 10067 Granden St. NW
 Pickerington, Ohio 43147
 cell# 614-204-3996
 Lic. # 11100 Exp. 12/31/16





MECCA RD

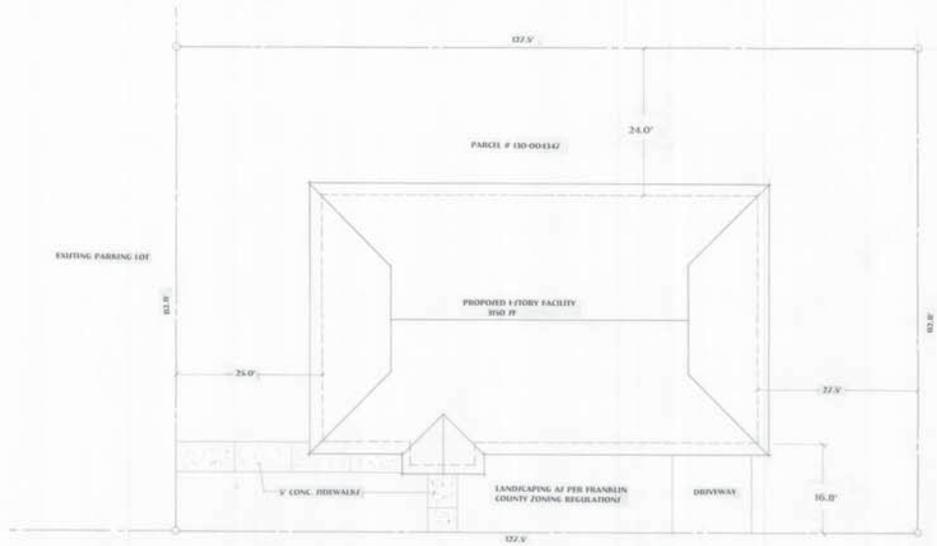


PARKWOOD AVE



NORTH
SITE LOCATION

OWNER: HOVDE AL R
PARKWOOD AVE
NORTHERN WAY LOT 30 31
.25 ACRES
PROPERTY CLASS: B RESIDENTIAL
PROPOSED USE: A-3 FURNITURE HOME
CLINTONWP, COLUMBUS, OH 43224



SITE PLAN
1:30
PARKING REQUIREMENT
1 PER 100 SF - 21 REQUIRED



SITE LOCATION
NO SCALE



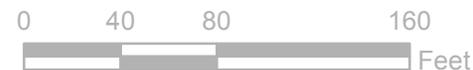
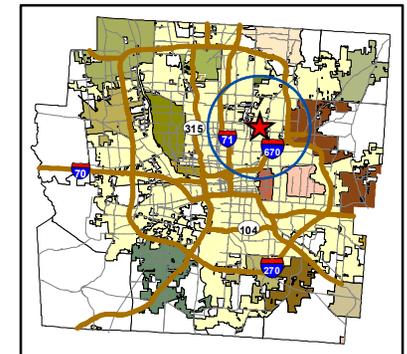


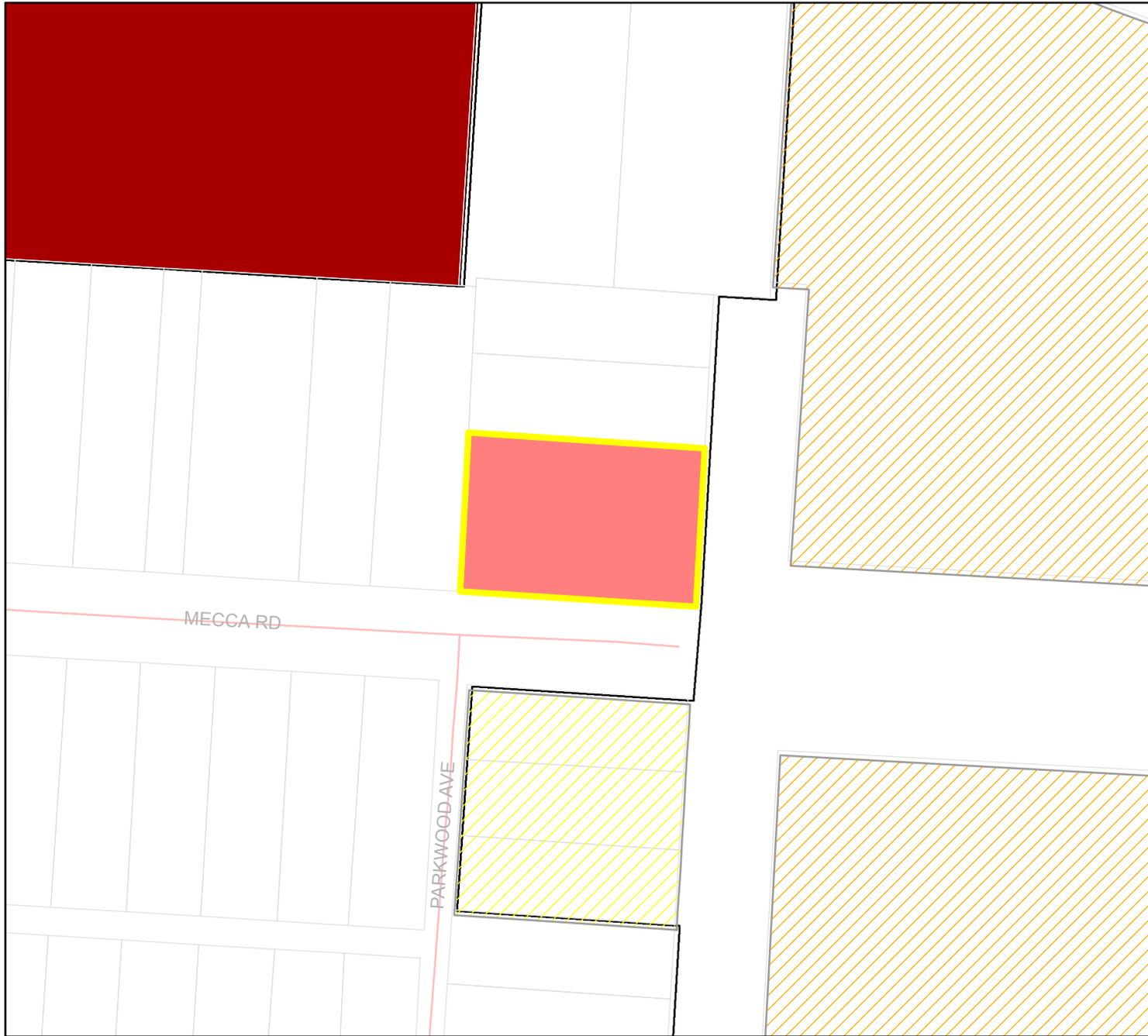
VA/CU-3870

Requesting a Conditional Use from Section 322.032 and a Variance from Sections 504.011, 531.013 and 531.021 to allow for the development of a funeral parlor that will not meet the required setback, the location of a parking facility and the schedule of parking spaces in an area zoned Suburban Office.

Acres: 0.25
Township: Clinton Township

-  2130 Mecca Road
-  Parcels
-  Streets



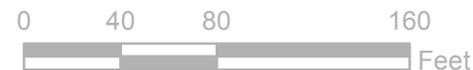
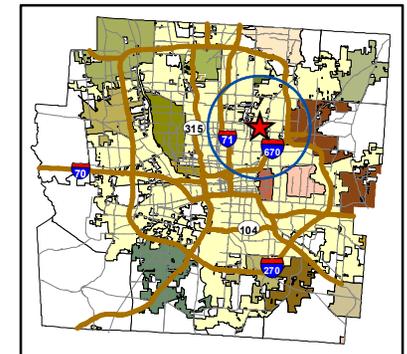


VACU-3870

Requesting a Conditional Use from Section 322.032 and a Variance from Sections 504.011, 531.013 and 531.021 to allow for the development of a funeral parlor that will not meet the required setback, the location of a parking facility and the schedule of parking spaces in an area zoned Suburban Office.

Acres: 0.25
Township: Clinton Township

-  2130 Mecca Road
-  Parcels
-  Streets
- Zoning**
-  Community Commercial
-  Suburban Office
-  Rural
-  Residential
-  Multi-family



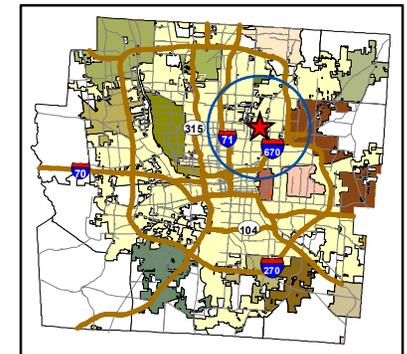


VA/CU-3870

Requesting a Conditional Use from Section 322.032 and a Variance from Sections 504.011, 531.013 and 531.021 to allow for the development of a funeral parlor that will not meet the required setback, the location of a parking facility and the schedule of parking spaces in an area zoned Suburban Office.

Acres:0.25
Township: Clinton Township

-  2130 Mecca Road
-  Parcels
-  Streets





Good Neighbor Agreement

Parties:

Rhema Christian Center
2100 Agler Road
Columbus, OH 43224

Al Rahma Mosque
2205 Albert Avenue
Columbus, OH 43224

Purpose:

Al Rahma Mosque is constructing a small building on Mecca Road (North and East to existing parking lots owned by Rhema Christian Center. The building will be used as a mortuary to perform ceremonial cleansing of bodies before burial at another location. This was approved by the Clinton Township Trustees and the Franklin County Commissioners. Rhema Christian Center did not object this project.

William Dodson of Rhema Christian Center met with representatives of the Al Rahma Mosque and their Project manager Dan Heckman to discuss the scope of the project in relationship to Rhema's properties. It was determined that the Mosque may require occasional use of the 33 space parking lot adjacent to their property (west of alley) for the above activities performed at the facility. The Mosque also owns an unimproved lot by one of Rhema's unimproved lots.

A Good Neighbor Agreement was proposed to allow the Mosque incidental use of Rhema's adjacent parking lot for said purposes by the individuals performing the service at the building. The Mosque is required to give adequate notice to advise Rhema of its intended use and to avoid conflict with planned activities at Rhema Christian Center. The Mosque will monitor the conduct of its associates on Rhema's property accordingly.

Both parties are in agreement with the terms of the Good Neighbor Agreement and agree to this non-binding agreement for mutual cooperation and goodwill, as stipulated above.

Signed

William A. Dodson 11/10/16
Date 614-471-0816
William A. Dodson
Rhema Christian Center

Abdiwali Maxamad 11/10/16
Date
Abdiwali Maxamad
Al Rahma Mosque